Previous references.
M 330-12

1913
190 .
(Kurzon)

File No. 374-13

Serial Nos. 1 & 2

Later references.
Ed. 254-13

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2

Part B. for Asthuria

SUBJECT.

Re transfer of certain amount-shares in the name of Kurzon Superintendent in the Office of the Inspector-General of Education to Mr. K. Ramaswamy Iyengar

I, From the Kurzon Supdt. in Leg. Secy. to Govt. D. 1134-07-4-13-14
forwards the application of Mr. K. Ramaswamy Iyengar re the transfer of the amount & the conditions for the granting of the request.

2. to the Kurzon Supdt. & Govt. Advocate
Ep. 753-14. 12-10-14
Directions the recommendation of the Kurzon Superintendent

G. R. S. 58

Examined by Lieut.
13-11-14

G R S. 11] 1913-14

GENERAL AND REVENUE SECRETARIAT.

(Mwzai)

NOTES.

File No 374-13

FILE HEADING.

Retransfer of certain amount (now) standing in the name of the Mwzai Superintendent in the name of the Dep General of Education and Mr A. Ramaswami Reg

From

The Mwzai Superintendent in Rangoon

No. 1372 Dated 31.1.14 / 2.2 Received 4/6.2.14

Diary No. 1482	Enclos	Spare Copies	Serial No

BRIEF ABSTRACT OF LETTER.

Forwards an application from Mr A. Ramaswami Ayangar, son of the late Mr A. Ramaswamy Ayangar, requesting Govt and recommends that, as there is no objection to the transfer of the amount the applicant's request may be granted.

NOTES AND ORDERS.

The applicant's letter and the ~~cashier~~ refer file explain the case
draft para 4 is subd for appl.
PWL(65) 7/2
arch 9.2.14
2 put up clean draft.
Gs
13/2/14

NOTES—First Sheet.

GPB—35,000—15 6 12

G. R. S. 12]

General and Revenue Secretariat. | Mwz File No. 374 of 1913.

Serial No.

3
Clean draft submd
Pr(65) anm
10/2 10/2/14

4. Subd Str. Member.

Mr. H. Rangaswami Iyengar has submitted an application praying for acceptance of Rs 3000 as permanent endowment deposit for an educational scholarship to the Hindu Widows and the matter is being worked up in Br. IX. The Mus. Supt. will see that Rs 3000 is paid for this account as soon as Govt. orders are passed and permit. and the balance will be drawn by Mr. Rangaswami Iyengar.

Sd
11.2.14

5 The papers in the file leave it uncertain whether the money has been actually transferred to the Mwz Supt. Please But the Supt's letter says it has been. Please let me know the exact state of things.

6 The transaction com-

NOTE—Contn. sheet.

GPB—60,000—7-11 13

R. S. 12]

General and Revenue Secretariat.

Misc File No. 374 of 1913-14

Serial No.

menced with a definite offer by Mr Ramanujaiem far. I am not sure of the Power of the Govt to alter the disposition made by his father at his pleasure. Both financial & legal departments have to be consulted before passing the draft order put up.

12/2/14

by

Fins 276-13.

I forwarded to Branch III for favour of opinion

by
13.2.14

Fins 276-13

Submitted

The Offer of Mr H. Ramanuja Iyengar to keep certain moneys in fixed deposit with the Govt under the favourable rate for certain charitable purposes was has not yet been accepted by Govt. Hereafter his sole surviving heir, Mr Vij

NOTE—Contin. sheet.

GPE—61,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

Mysg File No. 374 of 1913-14

Serial No.

his son Mr H. Rangaswami Iyengar has inherited all his fathers' estate including the amount proposed to be so kept in permanent deposit. Govt also asked the D.C. Mysore to ascertain if the heirs of Mr Ramanuja Iyengar are willing to give effect to his fathers' intention in the matter. The D.C. Mysore has replied that Mr H. Rangaswami Iyengar ~~the sole heir~~ son of Mr Ramanuja Iyengar & the sole heir to his estate states that he would place himself in communication with his Bankers and that it would take perhaps a month before he could give the details as to the best method of devoting the amount he could place at the disposal of the Mysore Dept.

Flag Z (linked file)

Flag Y. (linked file)

Afterwards in his letter dt 26/1/14 to the Mysore Supt (encl. to Sl 1 of this file) Mr Rangaswami Iyengar has ~~who is now the under whose disposition the funds~~ practically rescinded the original offer of his

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

father and has substituted an amended offer. The original offer not having been accepted by Govt before this amended offer was received, it is now open to Govt only to consider the present modified offer

(48) The question of accepting the offer 26/7/14 made by the late Mr. H. Ramanuja Iyengar is still pending before Govt. On his death, his son Mr. Rangaswami Iyengar has intimated that he finds it possible to pay, not the original sum of Rs 5000/, but Rs 3000/ only, from the monies actually left by his father available for charitable purposes.

HK
26/2

The letter of the late Mr H. Ramanuja Iyengar dated 7-12-1912 only contains an offer to invest the amount of Rs 5000 in Govt Savings Bank for some charity + this offer was not accepted before his death. Indeed, the Secy's letter to the Dy Comr Mysore dated 10-6-1913 shows

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

File No. 3/4 of 1913

Serial No.

that Govt took it only as an offer to be considered by them & wanted to know if his heirs are were willing to carry out his intention. His son, it now appears is able to spare only Rs 3000 & not Rs 5000. In the circumstances, there having been no accepted offer, there is no legal obligation on the part of the heir to pay the full amount intended to be set apart for the purpose by his deceased father.

The case would of course be different if the intention of the original donor were expressed in any testamentary document. But his letter of the 7th Dec.r 1912 is not of the nature of a will but is only an offer to invest a certain sum.

B.t V.II) SPK 4/3

Forwarded to Br. II for favour of opinion

HC Levis 1048

lee
6/3.

Sub.t
Bm 7/3/13 Since the death of the Testator's deceased son has transferred Sam Rangasami Iyengar & brother Ramanuja Iyengar the Conclusion

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

File No. 374 of 1913.

Serial No.

1048

a refund of the amount [illegible]
[illegible] direct to the [illegible]

(Govt)

Submitted with the opinions of the Branches III & IV. Both of them seem to have no objection to the proposal made by the Munzai Supdt. These opinions were called for as per Govt's orders on pages 2 & 3 of the notes.

10.3.14

Subd Govt Mr. member

I have marked the portions of Mr. Nanjappa and Jengai's letter which shows that the deposit has actually been transferred to the name of the Munzai Supdt

18.3.14

Please consult the Govt accordingly

30/3/14

U.O No 36 31.4.14.

Forwarded to the Government Advocate for opinion

By Order

Secretary

For Secretary

NOTE—Contn sheet.

G.P.B.—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat | File No. 374 of 1913.

Serial No.

G.O. 43 of 13-14.

The Offer of Mr. Ramanuja Iyengar conveyed in his letter dated 7.12.12 is definite enough. As Govt are not bound to accept any offer to every offer made it may be assumed that until acceptance on the part of Govt is communicated to the Donor the transaction is not complete In this case before Govt passed any orders in the matter, the fact of the death of the Donor came to the knowledge of Govt. In further proof of the fact that Govt had not even decided to conclude the transaction relating to the endowment reference is invited to Secy's letter to the D.C. of Mysore dated 10.6.1913. Presumably the transfer of the fixed deposit receipt to the Mysore Sub Treasury by the Donor's son Sri Ramachar was subsequent to the receipt by him of the communication addressed to him by the D.C. of Mysore in accordance with the Secy's letter of 10.6.13. The transfer does not appear to be an unauthorised

NOTE—Contn sheet.

GPB—60,000—7 11 13

Muz. 8 A]

Muzrai Secretariat	File No. 374 of 1903

one In the Circumstances there seems to be no valid objection to the Sub's withdrawal of his petition offer -

Deputy -- to
7 4 14 (illegible)

Submitted for orders.
am
7 4 14
M. 353 Send to the Madras

See
11 4

I should like to discuss this matter with the Govt Advocate. If I do not quite see why the element of acceptance should be introduced at all. Does not Mr. Ramanujacharyar's original proposal amount to a testamentary ~~Section~~ disposition of the sum

File No.	of 190	Muzrai Secretariat

GPB—3,000—25-9-07

U.O. No. 40

G. R. S. 12]

General and Revenue Secretariat — File No. 374 of 1913-14

Serial No.

mentioned?

Please send this up to me when Mr. Dor. Mer is not in the file.

25/4/14 Dow 29/4

Can this not be kept with Contl. Section?

Subd. 67 N. member.

15.6.14

unofficially
Forwarded to the Government Advocate with compliments for favour of further remarks.

By order

13.7.14.

GPB—60 000—7 11 13

G. R. S. 12]

General and Revenue Secretariat. | File No. 374 of 1913-14

Serial No.

M.O. 2297/1915. The late Mr Ramanuja Iyengar's proposal contained in his letter of the 9th Decr 1912 practically amounts to this viz —

(1) that he intended setting apart Rs 5000-- for certain Charitable purposes

& (2) that he would invest the amount in the Mysore Govt Savings Bank, if Govt would allow him the favorable rate of interest permissible under the rules for deposits for Charitable purposes.

He formulated no scheme for the administration of the Charitable trust contemplated by him. He died before orders were passed on his application & so his intentions whether testamentary or otherwise did not assume any definite and tangible shape. An expression during life time of intention to devote a certain sum to Charity is not, in the absence of a binding Contract effective after death [See Halsbury's Laws of England Vol 4 - page 146]

P.S. VII/9/15 MR

NOTE—Contn. sheet

GPL—60 000—7 11 13

Serial No.

(See also Re Hudson (1885) 33 W R 819 -)
The following Extract from 'Lewin on Trusts' page 738 may usefully be Consulted :-
"It sometimes happens that the deceased made some promise, written or verbal, to subscribe a certain sum, for the promotion of some "Charitable or public purpose". If nothing has been done in Consequence of such promise, the Executor or nominee. trator must treat the ~~promise~~ promise as voluntary, and therefore null. In the Case quoted above viz Re Hudson, where a Testator promised to give £20000/- to the Congregational Union in 5 annual instalments, died paying some of them leaving the remaining instalments unpaid and unprovided for and the Union had incurred liabilities in Consequence of the promise it was nevertheless held that there was no enforceable Contract. In another Case (Sumsett vs Herbert 12 Eq 201) where the Testatrix with a view to give effect to her intention to set apart a certain sum for some Charitable purpose deposited the said sum in a Savings Bank, owing no obligation to anybody, having made no Communication to

NOTE—Contn. sheet

GPB—60,000—7 11 13

G. R. S. 12]

General and Revenue Secretariat.

Mun File No. 394 of 1913-14

Serial No.

any Certain trust, having raised no expectations, but reserving to herself the right of distribution, it was held that her right of property in the fund was never interfered with in the slightest degree, and she having died without having carried out any of intentions she might have had into effect, the money must be treated as part of her personal estate. In consideration of the principles enunciated in the above Cases, I am inclined to the view that late Mr Ramanujachargar having done nothing further to his Charitable intention no contractual obligation was created. The Secy's letter to the D.C of Mysore dated 10 6 1913 seems to countenance the view that there was no binding Contract entered into by the deceased.

Pol. Mun. Ed. (R) 254-13 Mun. (P) 330-12

8 9 14

Subd 5 Nr. Member

129

11 9 14

NOTE—Contn. sheet

GPB—60,000—7 11 13

G. R. S. 12]
General and Revenue Secretariat.

MWZ File No. 374 of 1913-14

Serial No.

The authorities relied on by the Govt Advocate seem to support the position taken — that there has not been a Completed trust. The Donor's Son says in his letter that he is going to deposit 3000 Rs of the amount for a Schp and that 2000 Rs may be given back to him. The 3000 Rs meant to be given for a Schp may be received under the Rules for ~~R~~ ~~Enhanced~~ Charitable investments & 2000 Rs paid back

RK

13/9/14

Draft Sanctg the MWZ: Supt's recommendations is put up.

The file may after the issue of the order sent to Br IV for action Brief taken as regards acceptance of Rs 3000 for founding an Educational Scholarship.

Subd
Tak(15)81
17/9

Put-up clear MWZ
Rs
2 6 13

Vide Rest file
[illegible]

NOTE— Contn. sheet.

GPH—50,000—12 8 10

G. R. S. 12]
General and Revenue Secretariat.

Mrg File No. 394 of 19

Serial No.	
	Cleandrop Instr RL 27.9.14 Subd & 2nd member Lee 28.9.14 Draft appd by Second member mSS 30.9.14 Dem, Dorg Lee 1/10/14
2	To. The Murgan Superintt & Govt Advocate No 753—4 D 12.10.1914 Sanctions the Murgai Superintts recommendation Forward Copy of the above to Mr H Rangasamiengar No 755 D 12.10.1914

NOTE.—Contn. sheet

GPB—50,000—12 8 10

VII 4/2 R

No. 1372

Encls. one

OFFICE OF THE MUZRAI SUPERINTENDENT IN MYSORE,

Dated Bangalore, 21st (2nd) January. 1914

FROM
G. Aravamudu Iyengar, Esquire, B.A., B.L.,

THE MUZRAI SUPERINTENDENT

IN MYSORE.

6/2

To
K.R. Srinivasa Iyengar, Esquire, M.A.,

Secretary to the Government of His Highness the

Maharaja of Mysore, General and Revenue Departments

SIR,

I have the honor to submit herewith an application registered No. 1627 dated 26th January 1914, received from Mr. H. Rangaswami Iyengar, son of the late Mr. T. Ramanuja Iyengar, stating that a fixed deposit standing in the name of his father in the Madras Bank for about Rs.5,000/- was transferred by him in the name of the Muzrai Superintendent for the time being, subject to his maturing a scheme for giving effect to certain charitable intentions of his father and requesting that the deposit may be re-transferred in his name as he has since decided to devote Rs.3,000/- for an educational scholarship and the balance for certain other charities in and out of the State.

2. The letter of Mr. Rangaswami Iyengar gives the circumstances of the case in sufficient detail. As the transfer of the deposit was only contingent and subject to maturing a scheme, there appears to be no objection to the retransfer of the amount. Early orders of Government are solicited.

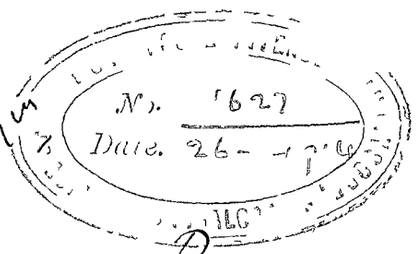
I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Superintendent.

G.S.K.



Bangalore.

26. January 14.

To

The Mysore Superintendent
in Mysore
Bangalore

Sir.

My father M. H. Ramanuja Iyengar some time before his death on the 7th Dec 1912 had written to the Mysore Govt. that he was willing

time being:

Now, that I have gone into my affairs & got to know my father's other express wishes in the matter of Charities to be performed in & outside Mysore state, I have come to the Conclusion that I cannot spare more than Rs 3000/- for being deposited with Government for the Charities to be performed inside the state.

I have Communicated my wishes in the matter to you in my letter dt/ 10th Nov 191

with a scheme for utilization of interest accruing towards an educational scholarship for a widow. This matter is pending orders of Govt:-

On my approaching the Agent, Madras Bank for a Exhaustive to my personal account of the amount deposited in the name of the Mayai Sapte: as mentioned above, the Agent tells me that as the amount stands in the name of the Mayai Sapte:, his Consent to the transaction should be obtained

I beg therefore you will be

pleased to address a Communication
to the Agents, Madras Bank,
Bangalore in the matter.

If need be, you may
order the transfer of Rs 3000
out of the amount to the
Name of the Educational Secretary
& make the balance payable
here.

I beg to remain
Sir
Your most obedient servant

A. Rangaswamy Jr

'ile No. 37443

erial No. 2

is Highness

21st January

ntendent ~~Imp~~

lication from

stating that

5000/- stand-

ıer, late Mr.

ɔed Deputy

ɜ Bank was

ıame of the

ɜct to his

with Encl:

to deposit Rs 5000/- as Fixed deposit at favourable interest for certain religious & Charitable purposes. Before orders of Government were passed in the matter, he unfortunate passed away, leaving me as his sole heir.

A Communication appears to have been addressed to the Deputy Commissioner, Mysore, to ascertain if I was willing to carry out the wishes of my father in the matter

of the Charitable deposit.

On hearing from the Dy
I replied that I would
Communicate with my bankers
& that it would be some
time before I would be able
to decide upon the manner
of utilizing the amount.

In the meanwhile, I learnt
that a fixed-deposit at the
Madras Bank standing in
my father's name was
mature for payment and
subject to further Consideration
I nominally had the amount
transferred in the name of
the Manager Kuppu for the

G.R.S. 28.] 2/10

File No. 37443

Serial No. 2

Diary No. of letter replied to 1482. 13.10.

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, the 19

Date of issue 12.10.914

Signed by

READ-

Letter No.1372 dated 21st January 1914 from the Muzrai Superintendent ~~in~~ in Mysore submitting an application from Mr. H. Rangasami Aiyangar, stating that a fixed deposit of ~~about~~ Rs.5000/- standing in the name of his father, late Mr. H. Ramanuja Aiyangar, retired Deputy Commissioner, in the Madras Bank was transferred by him to the name of the Muzrai Superintendent subject to his

over

~~ORDER THEREON — NO.~~

SUBJECT.

GPB—10,000 - 19 4 10

maturing a scheme for giving effect to certain charitable intentions of his father and requesting that the same may be re-transferred to his name as he has since decided to devote Rs.3000/- for an educational scholarship and recommending that as the transfer was only contingent and subject to maturing a scheme, the request of the applicant may be granted.

and the balance for certain other charities

Order thereon: No. 753-4
Inam 374-13

The Government Advocate who was unofficially consulted in the matter is of opinion that there has not been a completed trust. Mr. H. Rangaswami Iyengar states that he has decided to deposit Rs.3000/- of the amount for a scholarship and ~~reports~~ requests that the balance s.2000/- may be paid back to him.

Muzrai Superintendent is accordingly

rrange that the amount

a scholarship be

s for permanent

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

charitable endowments and that the balance is paid back to Mr. H. Rangaswami Iyengar.

28.9.14

For Offg.Secretary to Govt.

Rdraft RL 27/9/14

To

The Muzrai Superintendent in Mysore.

The Government Advocate.

No-7552/12 10 9/14

Copy to Mr. H. Rangaswami Iyengar, Mysore

Copy to Branch IV.

GPB—10,000—22 2 11